

UNITED STATES DISTRICT COURT

for the
Western District of Texas**FILED**

August 11, 2023

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASUnited States of America
v.
RAYMOND LUKE GARNERBY: SL
DEPUTY

Case No. 1:23-mj-539-ML

Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 9, 2023 in the county of Travis in the
Western District of Texas, the defendant(s) violated:*Code Section*

18 USC 1512(c)(1) and 2

*Offense Description*Corruptly concealing, attempting to conceal, and counseling, inducing, and
procuring another to conceal an object with the intent to impair the object's
availability for use in an official proceeding

This criminal complaint is based on these facts:

See Affidavit in Support

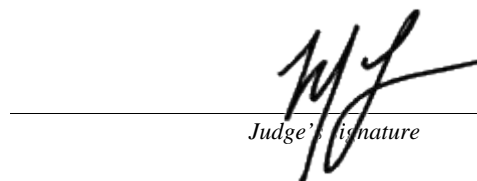
☒ Continued on the attached sheet.

Complainant's signature

ATF SA Cole Flores

Printed name and title

Sworn to before me and signed in my presence.

Date: 08/11/2023City and state: Austin, Texas

Judge's signature

Mark Lane, United States Magistrate Judge

Printed name and title

Print

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

SEALED

UNITED STATES OF AMERICA,

Plaintiff.

v.

RAYMOND LUKE GARNER

Defendant.

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CRIMINAL NO. **1:23-mj-539-ML**

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Cole Flores, Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives, Austin, Texas, being duly sworn, depose and state the following:

1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) since June of 2014. I am empowered under federal law to make arrests, conduct investigations, and execute search and arrest warrants relating to the Federal firearm and explosive offenses pursuant to Titles 18 and 26 of the United States Code. I have been involved in numerous investigations involving violations of federal law and these investigations have resulted in the arrest of numerous criminal defendants and the seizure of numerous firearms and explosives-related material.

2. As a result of my personal participation in this investigation and discussions with other law enforcement involved in the investigation, I am familiar with relevant aspects of this investigation. On the basis of this familiarity and other information, which I have reviewed and determined to be reliable, detailed more fully below, I believe there is probable cause to believe that on August 9, 2023, Raymond Luke Garner committed violations of 18 U.S.C. §§ 1512(c)(1) and 2 by corruptly concealing and attempting to conceal an object and counseling another to

conceal an object with the intent to impair the object's integrity or availability for use in an official proceeding within the Western District of Texas.

3. Because this affidavit is being submitted for the limited purpose of establishing probable cause for the issuance of a complaint and arrest warrant, it does not contain every fact known to me or other law enforcement officers.

FACTS

4. On August 9, 2023, at approximately 5:24PM, the Austin Police Department (APD) and multiple public safety agencies were dispatched to 919 E 32nd St, in Austin, TX for a reported truck explosion in the parking garage of the St. David's Hospital. On arrival, Officers found a white Toyota Tacoma parked on the second level of the garage with damage in and around the rear of the vehicle. Based on the Officer's observations and reports from witnesses, the scene was secured until the APD Explosive Ordnance (EOD) team could investigate further and mitigate hazards. No injuries were initially reported.

5. A search of the Texas license plate for the truck through law enforcement databases showed it was registered to Raymond Luke Garner. Shortly after that, Garner was located by an APD Officer at the hospital.

6. APD Officers worked with hospital security staff to review security camera footage of the property. A camera showing the second level of the parking garage captured the moments when the white Tacoma matching the description of the damaged vehicle pulled in and parked. Shortly after that, a white male gets out of the driver door and walks around the rear of the vehicle and opens the passenger door. The male can be seen taking items out of the truck and walking away, toward the hospital. The male was wearing blue shorts, a purple shirt, red hat, and

blue tennis shoes. The person observed and clothing matched the physical appearance of Garner when located by APD.

7. Another video taken from the same camera, a short time later, captured the moments the explosion occurred. The explosion appeared to originate in the area in and around the rear of the white Tacoma. It appeared that the vehicle was unoccupied at the time and there was no one seen on video within the immediate area of the vehicle. The video did show that there were several vehicles turning onto that level of the garage at the time and people seen walking on foot across the driving lane from the explosion. When the explosion occurs, debris can be seen being thrown from the vehicle.

8. After Garner was encountered by police, he was detained at approximately 5:39pm based upon a review of APD officer body work camera footage. Garner continued to be detained but was released from handcuffs by approximately 5:45pm.

9. At approximately 6:22pm, Garner sent a message to Individual-1. Garner wrote: "I need you to please go to my house and take the box in front of my washer home. It's very important that you do this as soon as possible." He also stated, "I'll explain later." Individual-1 responded, "On my way there now." Garner responded at approximately 6:37pm: "TY so much. I came back to my truck and the police and fire dept were around my truck because tgere [sic] was an explosion in it. I had my guns and stuff in there and I probably won't make it home tonight. Im so sorry. this is scary." At approximately 7:07pm, he added: "They're going to look at everything in my truck and hopefully that goes well. [Fingers crossed emoji]." Based on my training and experience, I know that "TY" is a common abbreviation for thank you.

10. Individual-1 retrieved a box from Garner's residence and later brought the box into Individual-1's apartment on the night of August 9, 2023. On August 10, 2023, agents conducted a voluntary interview of Individual-1. During the interview, Individual-1 eventually

presented that box to agents and voluntarily surrendered it to their custody. Individual-1 confirmed that it was the object that Garner asked Individual-1 to retrieve.

11. Investigators trained in explosives investigations responded to the scene and conducted a standard preliminary safety evaluation of the box. I know that this evaluation is performed in cases involving suspected explosives to ensure the safety of both law enforcement and third-parties, especially in apartment complexes. Among other things, the evaluation included an x-ray of the box. This revealed what agents assessed to be a canister that appeared to hold a powdery substance, another canister that appeared to hold a liquid, and wires. Based on this preliminary assessment, the Austin Police Department Bomb Squad was contacted for further render safe procedures and analysis. These procedures include the evacuation of nearby apartment complex residents before further investigative procedures are conducted. Inside the box, investigators found, among other things, what has been preliminarily determined to be two of the three precursor chemicals for the manufacture of the high explosive HMTD (hexamethylene triperoxide diamine) and safety fuses. Notably, a small quantity of what has been preliminarily determined to be HMTD was found in a plastic bag within the box. And investigators executing a duly-authorized search warrant at Garner's residence found a napkin with handwritten notes that listed chemicals, proportions for those chemicals, and instructions for their combination and processing. Based on my training and experience and conversations with other investigators, I believe that this napkin lists the ingredients and instructions for making HMTD.


12. Based on my training and experience, the content of the box Garner asked Individual-1 to move was significant to the ongoing investigation because the box contained precursor chemicals for a high explosive and safety fuses, both of which could be used in the construction of a destructive device.

13. Furthermore, based on the facts gathered in this investigation, I believe that Garner acted corruptly and with an intent to make the box unavailable for use in an official proceeding. Garner contacted Individual-1 after he was already aware of an investigation involving the explosion in his truck and after he had been detained by police. Furthermore, he stated that he “probably won’t make it home tonight,” meaning that he would be a witness, subject, target or have some other role in the proceeding. He further knew that that box had evidence that bore upon the nature and circumstances of the explosion in his truck. An official proceeding was reasonably foreseeable to Garner since he had observed police and fire department activity directed at him and knew that “[t]hey’re going to look at everything in my truck” And the evidence shows that Garner counseled, induced, or procured from Individual-1 the concealment of the box that was originally in his home and likely would have been otherwise found by investigators in his home.

14. Based on the facts set forth above, I submit there is probable cause to believe that on August 9, 2023, Raymond Luke Garner committed violations of 18 U.S.C. §§ 1512(c)(1) and 2 within the Western District of Texas.

FURTHER AFFIANT SAYETH NAUGHT.

Affiant declares under penalty of perjury that the foregoing is true and correct to the best of Affiant's knowledge and belief.



Cole Flores
Special Agent
Bureau of Alcohol, Tobacco, Firearms &
Explosives
Austin, Texas

Subscribed and sworn to via telephone per Federal Rule of Criminal Procedure 4.1 on this
11th day of August, 2023.



MARK LANE
UNITED STATES MAGISTRATE JUDGE